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Morris Diet

Morris Diet
Laws

At a meeting held 1.
 8. 11. 1861 and May 2^d 1861
 the joint committee on
 education and mining
 and agriculture Morris
 District.

Chapter 1.

The boundaries of this district
 shall be as follows: Commencing
 at the mouth of Wal-
 low Lake on Mill Creek
 and running up said
 stream the distance of two
 and one half miles;
 thence north to the summit
 of the mountain; thence
 along the summit to the
 western line of Iowa
 District; thence along said
 western line of Iowa

District, to on this north
 of Clear Creek River.
 due west to opposite the
 point of view in these
 north to the point of view
 - view.

Chapter 1.

Sec The officers of this district
 1. shall be a judge of the miners
 Court, a Sheriff, a President,
 and a Recorder, who shall
 ex officio Secretary and
 Treasurer of the district; which
 officers shall be elected on
 the twenty third of February
 of each year; and who shall
 hold their offices for the
 term of one year, from the
 date of their election, or until

their successors are selected and qualified, unless they sooner die, resign, remove from the district or are removed for misconduct; as hereinafter provided.

~~Section 10~~

Sec. 2^d Where any officer, - except the President - of this district - shall be guilty of misconduct - or malfeasance in office in office, it shall be the duty of the President, when an affidavit is made setting forth the specific charge, to issue a notice to such officer to appear before him for trial.

The President shall appoint a prosecutor; and the trial shall be conducted according to the laws for misdemeanors.

4

Sec. In case the President of the
3. district is charged with
misconduct in office it
shall be the duty of the
body of the Miners Court,
to perform the duties pre-
scribed for the President in
the foregoing section.

Sec. Each officer entering
4. upon the discharge of his
duties of his office, shall
take an oath to support and
faithfully execute all the
laws of this district.

Chapter 11.1.

Sec. It shall be the duty of the
1. President to preside at all
legally called meetings of the
Miners, and to call special

meetings, by posting three notices, within the district, at least three days before the time of said meeting, when in his opinion there is a necessity for the same; or when a petition is presented signed by a majority of the Citizens of the district, specifying the particular object of the meeting, which object must be distinctly stated in the notice.

- SEC. 2. It shall be the duty of the President to preside in the Miners Court, in any case where the Judge of said Court is in any manner interested in the result of the suit, or otherwise disqualified, unless objection is made by either of the parties, in which

6
Case it shall be his duty
to appoint a Judge Pro-term.

Sec. It shall be the duty of the
B. President to sign all orders
on the Treasurer for money
legally appropriated and all
deeds for property belonging to
the district, which the Miners
of the district authorize to be
sold, and also to have the care
of any property belonging to
the district, except such as it
is the special duty of some
other officer to protect.

It shall
be his duty to institute
suit against any person guilty
of destroying or injuring any
property belonging to the dis-
trict or committing any
offence recognized in the

Law as a Misdemeanor, Nuisance
or Crime; And to appoint a
suitable person to conduct the
prosecution.

Sec 4 It shall be the duty of the
President of the district to
appoint an officer Pro-tem
to fill any vacancy that
may occur.

Duties of The Judge.

Sec 5 The Judge of the Miners
Court shall execute a bond
with good and sufficient secu-
rity, to be approved by the
President; in the penal sum
of five hundred dollars,
for the faithful performance
of his duties

8.

Sec. The Judge of the Miners
Court shall perform the
duties of the President in
case of his absence or dis-
ability.

Sec. The Miners Court shall have
jurisdiction over all civil
contracts, made in this or
any other district in Col-
orado Territory. Provided
the parties were citizens of
this district at the time of
making the contract; or Provi-
ded the defendant is a cit-
izen of this district at the
time of the institution of
the suit.

Bond for Costs.

Sec. It shall be the duty
8.

of the Judge in all cases before entering suit to require a bond with good and sufficient security for the payment of all costs, and for all damages in case of attachment being wrongfully sued out.

Sec 9. No suit shall be brought in the Miners Court for indebtedness contracted in any other State or Territory, except by consent of all ^{the} parties concerned or interested, and no execution shall be collectable on a judgement rendered upon such indebtedness, except as hereinbefore provided.

Docket.

Sec. 10. The Judge of the Miners Court shall keep a docket

on which a correct record of all the proceedings of his Court shall be entered and he shall file and safely keep all papers connected with suits before him.

It shall also be his duty to make out and send to the "Court of Appeals" a complete transcript of the record in any case where either party complies with the law authorizing an appeal, together with any special ruling made in the trial, provided parties require it.

Fine for Contempt.

Sec. 11. It shall be the duty of the Court to levy a

16.

fine not to exceed ten dol-
lars for contempt of Court,
said fine to be collectable
by sale of property on execution
and the proceeds of same to
be paid into the district-
treasury.

[REDACTED]

Sec. 12. It shall be the duty of the
Judge to issue an attach-
ment when the plaintiff in
any suit shall make oath
that he believes the defendant
is about to abscond or dispose
of his property to defraud
his creditors.

[REDACTED]

Sec. 13. It shall be the duty of the
Judge of the Municipal Court
to pay over to the Treasurer
of the district all moneys
coming into his hands for fines.

[REDACTED]

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Sec. The Judge of the Miners
14. Court shall have full
probate jurisdiction
within this district.

Duties of the Recorder

Sec. It shall be the duty of
15. the Recorder safely to keep
the records of the district
and to record all papers
upon the payment of his
fees.

To act as secretary at all
public meetings of the
district; and by virtue
of his office as Treasurer
to keep all moneys of the
district paid to him, sub-
=ject to the draft of the
President.

Also to keep all vouchers

so that any time he may be able
when called upon, to exhibit
the financial condition
of the district.

Sec. 16. The Recorder may appoint a
deputy, who shall be duly
sworn, for whose special
acts he shall be responsible.

Sec. 17. It shall be the duty of the
Recorder to execute a bond
with good security for
five hundred dollars.
to be approved by the
President and Judge of
the district for the faith-
ful performance of the
duties of his office.

14 Duties of the Sheriff.

Sec. The Sheriff of the district.

18. shall execute a bond, with good and sufficient security to be approved by the President and Judge of the district, in the penal sum of five hundred dollars, for the faithful performance of the duties of his office.

Sec. It shall be the duty of
19. the Sheriff to execute all papers issued by the proper officers and make due return entered thereon.

Sec. It shall be the duty
20. of the Sheriff to return any notice or summons on.

or before the time set therein
for trial and the manners
of service shall be set forth
in the Sheriffs return
thereto.

it shall be the duty of
the Sheriff, when he attach-
es any property not capable of
manual delivery to file a
list of the same with the
Recorder immediately.

Sec. 22. It shall be the duty of the
Sheriff to receive and return
in person all papers which
it is his duty to serve and
execute and to be present
at all sittings of the Court,
and to perform such other
duties as may be required
of him by law.

It shall be the duty
of the Sheriff to execute
or cause to be executed, all
penalties for criminal
offenses.

Chapter 1.1.1. = 11

Judge's Fees.

Sec. The Judge of the Miners

1. Court shall be all over

fifty cents each per issuing all papers except subpoenas for which he shall receive twenty five cents if containing one name and fifty cents if containing more than one name; for docket entry one dollar; for the trial of each cause three dollars; for each Con-

11

= trinnance of a cause two dollars; and for making out the transcript required by law, in case of an appeal to the President - one dollar.

~~_____~~

Sec. The Recorder shall be en-
2. = titled to fifty cents for recording each claim; fifty cents for a deed or any other instrument of not more than one hundred words, and at the rate of fifty cents for each additional one hundred words.

~~_____~~

Sheriffs Fees.

Sec. The Sheriff shall receive
3. the sum of fifty cents each for serving all papers.

except subpoenas for which he shall be entitled to twenty five cents for each subpoenaed. When on official business outside this district he shall be allowed ten cents for each mile necessarily traveled. He shall also be allowed fifty cents each for three notices in case of sale under execution and for selling property he shall be allowed seven per cent on all sums under one hundred dollars; and five per cent on all sums over one hundred dollars and under two hundred dollars; and three per cent on all sums over

Two hundred dollars. For
compensating a jury one
dollar and fifty cents;
and for waiting on the
Court he shall be allowed
fifty cents for each cause
tried

Sec. Jurors shall be allowed
4. The sum of fifty cents per
hour.

Sec. Witnesses shall be allowed
5. The sum of fifty cents
per hour.

Chapter 11111 - XV.

Laws for the Government of the Minors Court.

Sec. Regular terms of the

20.

Miners Court shall be held any day Provided the parties have five days notice.

[REDACTED]

Sec. Any person wishing
2. to commence a civil action in the Miners Court shall file with the Judge of said Court a statement in writing setting forth his grounds of complaint; which shall contain all the allegations and facts necessary to constitute a cause of action; in plain and unequivocal language; and if the defendant does not appear and answer to said complaint the Plaintiff

Require plaintiff to make oath to the correctness of his complaint, and that he knows of no legal defect, which the defendant may have.

upon complying with the foregoing requirements the Judge may enter judgement for the Amount Claimed, Together with all costs of suit.

Sec. 3. Depositions may be used in evidence before the Miners Court, Provided the witness is sick and unable to attend at the place of trial, about to leave the country, or is out of the jurisdiction of the Court, Provided also that the adverse party

22

shall have notice of time and place, when and where, such depositions will be taken, and have the right to cross question such witnesses.

Notice however need not be given when the witness is not a resident of this Territory.

Sec. No. cause shall be continued
4. except by consent of both parties, or upon the affidavit of one of the parties or his attorney setting forth good cause for continuance or for the absence of a material witness; in which case the party shall state on oath that he cannot safely

proceed to trial without said witness; and that he believes he can procure the testimony of said witness at some specified future time.

Sec. 5. Garnishee process may issue as a part of the original writ to be served upon both the defendant and garnishee or separately, or it may be issued after execution is returned unsatisfied; and in either case, if the garnishee shall pay the defendant the amount of his indebtedness, after service of said notice and before the final judgment if any is obtained —

24.

is paid, he shall be
liable to the plaintiff
for such indebtedness.

Sec. New Trials may be granted
6. for good ~~cause~~ shown
upon the same terms as
by the rules of common
law; Provided the party
applying for a new trial
first pay the costs that
have already accrued.

Sec. It shall be optional
7. with the parties to any
suit whether the same
shall be tried by the
Judge of the Business Court
or by Jury.

Sec. 8. The regular number of jury =
= men to try civil causes,
unless otherwise agreed
upon by the parties, shall
be three.

Sec. 9. Each party shall have
the right to three peremptory
= challenges; and as
many as necessary for
cause,

Sec. 10. Either party feeling aggri-
= ved, may appeal from a
decision of a jury of three,
or the Judge, to a jury of
six, or to the President of
the district. Provided, that
the party appealing shall
give notice of his intention
to appeal within twenty-
four hours after the

rendition of judgement, and provided he shall pay the costs already accrued within five days after the judgement is rendered.

Sec. In case where an appeal is taken as provided in the foregoing section, the case shall be cited to the next term of the Court to which the appeal is taken, provided at least five days elapse between the time of taking such appeal, and the next regular term of the Court to which the appeal is taken, unless otherwise agreed upon by the parties.

Sec. Notice.

12. Notice shall be considered served when read to the party or parties, or by leaving a copy of the same at the usual place of residence, when not to be found within the district.

██████████

13. Attachment shall be considered served by being read to the parties together with a list of the property attached, and in case the party or parties cannot be found in the district, by leaving a copy of the same at his or their usual place of residence.

██████████

Sec. All ~~decisions~~ executions
 14. issued from the Miners
 Court shall be made
 returnable in twelve days
 from their date, and the
 Sheriff shall note on
 each execution the day and
 hour of receiving the same
 and return the said execution
 within the twelve days, &
 whether satisfied or not,
 with his official acts
 endorsed thereon.

~~Sec. Any~~ property sold under
 15. execution, shall be adver-
 tised, by posting notices in
 three conspicuous places,
 in the district, at least
 five days previous to the day
 of sale. Said notice
 must designate the day

and hours of sale, together with a description of the property to be offered for sale; The Sheriff may adjourn the sale to some future day, within the time specified in the return of the execution provided there are no bids, as the bids are unreasonably low; Notice of such postponement shall be given during the hour of sale.

Publications

Sec. 16 When suit is instituted against any who is absent from or a non-resident of this district, service may be made by posting notices or copies of the summons in three conspicuous places in the

district at least five days previous to the day of trial. A copy of one of said notices shall be sworn to by the Sheriff and posted the same, stating where, how, and where, the same served the same which shall be filed with the papers in the case.

██████████

Sec. When judgement is -
 17 rendered on publication, as provided in the foregoing section the party Defendant shall be entitled to a new hearing in said case within thirty days after the rendition of judgement, by paying all costs and,

Showing to the satisfaction
 of the Court that injustice
 has been done him in the
 case, and in case the judgment
 is reversed, he shall be entitled
 to recover any real-estate
 claims or their value --
 which may have been sold
 under execution on such
 judgment.

Equity

The Miners Court shall
 have equity jurisdiction;
 and shall be governed by
 common law rules of
 equity: Provided either
 party shall have the
 right to trial by jury;
 And provided either party
 shall show to the satisfaction

of the Court, that he cannot obtain justice under the rules of law.

Exemption.

Sec. There shall be exempt from
 19. Levy and sale on execution the following articles, which are necessary for present use by the defendant: Mining tools, Bedding, Clothing, Cooking utensils, and necessary provisions for three months; and in case of a man with a family residing in the district, a dwelling house, not exceeding three hundred dollars in value, and the lot on which the

The same is situated, together with such articles of household furniture as are strictly necessary: ~
 Provided that nothing in the foregoing section shall apply to judgment recovered for wages or labor performed prior to this date.

Redemption.

Sec. 20. The defendant in any case on which suit is not already entered, shall have the right of redemption on any claim sold on execution within sixty days after such sale. Provided that such defendant shall do or before the expiration of

34.

The sixty days pay to the Court, for the benefit of the purchaser, the amount of the purchase money together with interest at the rate of five per cent. per month.

Citizenship.

Sec. Any person shall be
21. considered a citizen of this district after a residence of five days in the district.

Voting.

Sec. No person shall be allowed
22. to vote, in this district, except residents of this district.

Criminal Laws.

Chapter V.I.

Sec. Any person guilty of wilful
1. Murder upon conviction
thereof, shall be hung by
the neck until he is dead.

Sec. Any person guilty of man-
2. = slaughter or homicide,
shall be punished as a
jury of twelve men may
direct.

Sec. Any persons shooting or
3 threatening to shoot another
or using or threatening to use
any deadly weapons, except
in self defence, shall be
fined in a sum not less
than fifty nor more than
five hundred dollars,

And receive in addition
as many stripes on his
bare back as a jury of
six men may direct; and
be banished from the
district.

Larceny.

Sec. Any person found guilty
4. of petit larceny, shall
be fined in a sum double
the amount stolen, and
such other punishment
as a jury of six men
shall direct.

Sec. Any person found guilty
5. of Grand larceny, shall
be fined in a sum
double the amount
stolen, and receive not

less than fifty nor more than one hundred lashes on his bare back, and be banished from the district, and such other punishment as a jury of six men may direct.

Forgery &c.

Sec. 6. Any person found guilty of forging, clerks, transfers, bills of sale, or jumping claims legally held under record, defacing names or removing stakes from their proper places, shall pay a fine of five dollars for each offence and double the amount of damages sustained by the injured party. Said damages to be determined.

by a jury of pit men.

Sec. 7. Any person, who shall cause or commit any nuisance, affecting or liable to effect, the health of the people of this district upon conviction thereof, shall pay a fine not exceeding one hundred dollars, to be determined by a jury of pit men, and remove such nuisance within twenty four hours.

Sec. 8. Any person convicted of causing a nuisance, and failing or refusing to remove the same, shall suffer the same penalty for each succeeding twenty four hours as.

prescribed in section seven-
th and such other punishments-
ment as the jury may
direct.

Sec. 9. All and every offence, not
enumerated in the foregoing
sections, shall be determined
by a jury of six men and
punished as they may direct.

Sec. 10. Any theft, not exceeding ten
dollars in value, shall
be deemed a petit larceny;
and any theft, over that sum
in value, shall be deemed
Grand larceny.

Cutting Timber.

Sec. 11. It shall not be lawful
for any person or persons,

to cut any timber or wood from this district; and upon conviction of a violation of this section the person or persons so offending shall be fined in a sum, not less than double the value of such timber, nor more than one hundred dollars, to be collected as other fines.

Chapter V. 1/2.

Claims Defined.

Sec. The term claim, as

1. used in this district, shall be construed to mean, when applied to a lode, one hundred feet

extending the length of the same; when applied to gulch, one hundred feet up and down and fifty feet across:

When applied to patch or placer diggings, one hundred feet square: when applied

to Purnell claims, the entire

distance intended to run

the same for discovery

purposes, as shown by the

record and stake at the

mouth of the Purnell:

when applied to mill water

privilege, three hundred

feet, on the creek, with the

privilege of using all the water

in the creek: When applied

to surface preemption for

mill grounds, for every three

hundred feet of water in

power: Three hundred feet,

on the Creek, extending back
 the same width one hundred
 and fifty feet: when -
 applied to a ditch claims
 the entire distance staked
 out which they intend to
 run the same, or shown by
 the survey and stakes:

When applied to Creek Bed
 Mining Claims one hund-
 red up and down the Creek
 in length, and between
 high water mark on each
 side: When applied to
 Bar Claims, fifty wide
 running back to the
 Base of the mountains.

Sec. all Lode claims when
 2. recorded, shall be held
 as real-estate.

Sec. 3. No person shall hold more than one lode, gulch, placer or bar claim; except by purchase or discovery. They shall be held as real-estate by recording them as such.

Sec. 4. All purchased claims when recorded shall be held as real-estate.

Sec. 5. Any person who shall discover a lode, shall be entitled to two hundred feet thereof as a discovery claim; and shall be required to set a post on his claim designating the name and direction of the lode, and that it is the discovery claim. Also he shall develop the ore.

Sec. Any person shall be
 6. allowed to hold one
 claim on each quartz
 lode, as real-estate, by
 recording the same, and
 no more except by purchase
 or discovery.

Sec. Any person discovering
 7. a quartz lode by
 recording the same,
 may hold as real-estate,
 the discovery and one
 claim, by preemption
 on said lode.

Sec. All quartz lodes shall
 8. terminate in the center
 of the gulch or creek.

Sec. Where lode claims -
 9. extend through bar claims,

The first claim recorded shall, ^{hold} both.

Sec. 10. Any person owning a quartz mill, or mill claim, on which he has a mill, shall have the right to cut or construct, as he may please, a flume or ditch to convey water to such mill, over any claim, road or ditch; Provided the water shall be so guarded, as not to interfere with vested rights; priority of claim to be in every case respected.

Sec. 11. The discovery hole shall be considered in the center of the discovery claim unless decided to the contrary on record.

Sec. No person shall be —
 12. allowed to mine under a building or other improvement unless they first secure the parties owning such improvement against all damages, except by priority of title.

Sec. All mining claims must
 13. be recorded unless the same are continuously worked.

Sec. All deeds, bonds, contracts,
 14. bills of sale, or instruments of any kind relating to the conveyance of claims, shall be witnessed and must be recorded, to be held as valid against creditors or subsequent deeds of grantor.

Sec. 15. Preemptions on lodes, which run into each other, shall be governed by priority of discovery.

Sec. 16. In all cases, where parties shall have complied with the law, as far as possible, priority of claims, when lawfully carried out, shall be respected.

Sec. 17. All water power claims or mill sites shall be three hundred feet square, and shall be improved on or before the tenth day of June A.D. 1861; and if not improved by the above specified time, they shall be forfeited. And any persons or persons, taking up or preempting said forfeited water claims shall improve the same, within thirty days thereafter.

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Sec.
18.

All Building lots shall be fifty feet front, by one hundred feet deep, and the same shall be improved on or before the first day of June A.D. 1861, or forfeited; And any parties taking up the said forfeited building lots shall improve the same within Thirty days hereafter.

Chapter VIII.

Pinnell Law.

Sec. Any person or company,
1. locating a Pinnell claim in this District as herein-
- after provided, shall be entitled to preempt one hundred by two hundred feet of ground, as sur-
- face claim, at the starting point for

tunnell purposes and deposits.

Sec. Any person or company, run-
 2. ning a tunnell under this
 law, shall be entitled to four
 hundred feet and no more,
 upon a lode, which may be
 discovered in said tunnell,
 & two hundred feet of which
 may be taken on each side
 of the center line of the
 tunnell claim. Provided
 such lode has been discovered
 and claimed, prior to the dis-
 =covery in the tunnell. Provided
 also, That such discovery be
 preempted and recorded as
 other claims.

Sec. Any person or company
 3. locating a tunnell as
 aforesaid shall be required,

to commence work upon the same, on or before the first day of June, and eighteen hundred and sixty one, in which month he or they shall be required to perform fifty dollars worth of labor upon said tunnel; after which he or they shall be required to perform at least three months work for one laborer in each six months.

Upon failing to comply with any of the requirements in this section, the right to such tunnel claim shall be forfeited.

Sec. All tunnel claims shall be started at the starting point in the

center, upon which stake
shall be written the direction
and terminus of said
tunnell. Together with the
names of the owner or owners.

Sec. Any person or company
5' running a tunnell under
this law, shall have the
right to cross any lode,
on the line of said tunnells.
Provided, the amount of
quantity taken out of such
lode, shall not be more
than is necessary to cross
said lode, at right angles,
the size of said tunnells
at smallest place.

Sec. Any person or company
6. owning lode claims, through
which a tunnells, under this

land, may pass, I shall have the right either in person or by their agent, to inspect such lode claims in said tunnel, at any time they may desire.

Sec. 7. When any person or company claims to have discovered a new lode in their tunnel, and said lode is claimed by prior discovery, it shall devolve upon the tunnel owner to show that said discovery is a new one.

Sec. 8. All persons owning lode claims shall have the privilege to work the same, by tunnelling

or otherwise and to deposit
 quantity, either by slide or
 tramway, at the point
 most convenient for them
 on any ground claimed under
 this law for surface deposits.
 Provided they do not
 deposit quantity or place
 any obstruction nearer than
 twenty feet from the center
 of the mouth of said
 tunnel.

Chapter 17.

Sec. 1. Any and all laws
 conflicting with the
 foregoing are hereby
 repealed, provided that
 nothing herein con-
 tained shall be so con-
 strued as to interfere
 with any rights

acquired under
previously existing
laws.

P.S. The following law
was passed April 3, 1861.
but was left out through
mistake.

A stake shall hold
a claim five days from
date without recording.

We the undersigned a
Committee appointed to
examine the laws of
Morris District as filed
in the Recorders office and
copied by the recorder
find the same to be
correct except in the
instance of Bar Claims

which in accordance with a law duly passed by the Miners of this district, will be forfeited unless previously, avowed, on the Tenth day of June A. D. 1861.

D. McEntyre
Wellington Sherwood
Gripeth Cooper.

At a meeting held June 8. 1861. the following resolutions were passed.

Resolved That a person who is not a resident of this Territory shall not be entitled to hold a mining claim in this district.

Resolved. That all males and females over the age of ten, shall be allowed

to hold a mining claim.

At a meeting held August 24, 1861. the following laws were passed.

All certificates of claims or deeds now remaining in the Recorders office; if not called for within fifteen days from the time of the passage of this act shall be sold at public auction to the highest bidder.

All certificates of claims or deeds hereafter recorded remaining in the Recorders office after a space of fifteen days from the time of the record such claims or deeds shall be sold at public auction to the highest bidder.

After a notice of ten days
has been given.

All money surplus monies
obtained by the sale of claims
as provided in the two preceding
sections shall be paid into the
Treasury of the District.